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Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

BAY AREA PAINTERS AND TAPERS  
PENSION TRUST FUND, et al.,

Plaintiffs,

v.

IBARRA COATINGS, INC., a California  
Corporation, and DANIEL IBARRA, JR., an  
individual,

Defendants.

Case No.: C10-5174 SBA

**PLAINTIFFS' REQUEST TO  
VACATE CASE MANAGEMENT  
CONFERENCE; OR TO CONTINUE;  
ORDER THEREON;**

**CASE MANAGEMENT  
CONFERENCE STATEMENT**

Date: September 21, 2011  
Time: 2:30 p.m.  
Location: *Via Telephone*  
Judge: Hon. Sandra B. Armstrong

Plaintiffs herein respectfully submit their Case Management Statement, requesting that the Case Management Conference currently on calendar for June 21, 2011 be vacated, or in the alternative, continued for 30-45 days to allow for resolution of Plaintiffs' Motion for Default Judgment, which is set for hearing on September 29, 2011.

1. Since the Court continued the previous Case Management Conference scheduled for June 9, 2011, Plaintiffs filed their Motion for Default Judgment and supporting documents (Dkt. #20-23). Said Motion was then referred (Dkt. #24) to Magistrate Judge Maria-Elena James on June 2, 2011 by the Honorable Sandra Brown Armstrong, for a report and recommendation.

2. Thereafter, upon receipt of notice of a bankruptcy filing by Defendant Daniel Ibarra, Jr., Plaintiffs filed a Notice of Automatic Stay Under 11 U.S.C. § 362 As To Defendant Daniel Ibarra, Jr. Only (Dkt. #26) on June 3, 2011, advising that Daniel Ibarra had filed a Chapter

1 7 Bankruptcy Petition in the U.S. Bankruptcy Court, Central District of California (Los Angeles)  
2 on May 26, 2011, and that Plaintiffs' action would proceed against Defendant Ibarra Coatings,  
3 Inc.

4 3. Magistrate Judge James' June 14, 2011 Notice of Referral (Dkt. #27) continued the  
5 hearing on Plaintiffs' Motion to September 29, 2011, and requires that Plaintiffs file detailed  
6 proposed findings of fact and conclusions of law by September 15, 2011 if no Opposition is filed.

7 4. Defendant's last day to file an Opposition to Plaintiffs' Motion was September 1,  
8 2011, and no Opposition has been filed. Therefore, Plaintiffs are preparing their Proposed  
9 Findings of Fact and Conclusions of Law in Support of Their Motion For Default Judgment as to  
10 the issues specified by Magistrate Judge James.

11 4. There are still no issues that need to be addressed by the parties at the currently  
12 scheduled Case Management Conference. In the interest of conserving costs as well as the Court's  
13 time and resources, Plaintiffs respectfully request that the Case Management Conference,  
14 currently scheduled for September 21, 2011, be vacated, or in the alternative be continued for 30-  
15 45 days to allow for resolution of Plaintiffs' Motion for Default Judgment.

16 I declare under penalty of perjury that I am the attorney for the Plaintiffs in the above  
17 entitled action, and that the foregoing is true of my own knowledge.

18 Executed this 8th day of September 2011, at San Francisco, California.

19 **SALTZMAN & JOHNSON**  
20 **LAW CORPORATION**

21 By: \_\_\_\_\_/S/  
22 Michele R. Stafford, Esq.  
Attorneys for Plaintiffs

23 IT IS SO ORDERED.

24 The currently set Case Management Conference is hereby vacated and all related dates are  
25 vacated accordingly.

26 Or

27 The currently set Case Management Conference is hereby continued to 11/16/11 at 3:15  
28 p.m. and all previously set deadlines and dates related to this case are continued accordingly.

1 Date: 9/9/11

2   
3 THE HONORABLE SAUNDRA B. ARMSTRONG  
4 UNITED STATES DISTRICT COURT JUDGE  
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**PROOF OF SERVICE**

I, the undersigned, declare:

1. I am a citizen of the United States and am employed in the County of San Francisco, State of California. My business address is 44 Montgomery Street, Suite 2110, San Francisco, California 94104.

2. I am over the age of eighteen and not a party to this action.

3. On **September 8, 2011**, I served the following document(s):

**PLAINTIFFS' REQUEST TO VACATE CASE MANAGEMENT CONFERENCE; OR TO CONTINUE; [PROPOSED] ORDER THEREON; CASE MANAGEMENT CONFERENCE STATEMENT**

on the interested parties in said action by enclosing a true and exact copy of each document in a sealed envelope and placing the envelope for collection and First Class mailing following our ordinary business practices. I am readily familiar with this business' practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service in a sealed envelope with postage fully prepaid.

4. The envelopes were addressed and mailed as follows:

Ibarra Coatings, Inc., A California Corporation  
c/o Agent for Service of Process  
Corporation Service Company Which Will Do Business  
In California As CSC - Lawyers Incorporating Service  
2730 Gateway Oaks Dr Ste 100  
Sacramento CA 95833

Daniel Ibarra, Jr., an individual  
6426 Crossway Drive  
Pico Rivera CA 90660

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on **September 8, 2011**, at San Francisco, California.

\_\_\_\_\_/S/  
Elise Thurman  
Paralegal